



PTO/SB/01 (03-01)

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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☐ Declaration Submitted with Initial Filing OR ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number 026473.106-US01

First Named Inventor Rong C. Fang

COMPLETE IF KNOWN

Application Number 09/935,781-9032

Filing Date August 24, 2001

Group Art Unit 2661

Examiner Name Not Yet Assigned

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

APPARATUS, SYSTEM, AND METHOD FOR FACILITATING DATA PACKET
TRANSPORTATION

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 08/24/2001 as United States Application Number or PCT International

Application No. 09/935,781-9032 and was amended on (MM/DD/YYYY) (if applicable).

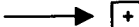
I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to: ☒ Customer Number
or Bar Code Label

26853

OR ☐ Correspondence address below

Name Covington & Burling

Address 1201 Pennsylvania Avenue, NW

City Washington

State D.C.

ZIP 20004-2401

Country USA

Telephone 202.662.6000

Fax 202.662.6291

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name
(first and middle [if any])

Rong C.

Family Name
or Surname

Fang

Inventor's
Signature

Rong C. Fang

Date

11-15-01

Residence: City Reston

State VA

Country USA

Citizenship USA

Mailing
Address:

12759 Oak Farms Drive
Oak Hill, Virginia 20171

City Reston

State VA

ZIP 20190

Country USA

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name
(first and middle [if any])

Family Name
or Surname

Inventor's
Signature

Date

Residence: City

State

Country

Citizenship

Mailing
Address:

City

State

ZIP

Country

☐ Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

#3

**Verified Statement (Declaration) Claiming Small Entity Status
(37 C.F.R. §§ 1.9(d) and 1.27(c)) -- Small Business Concern**



Applicant or Patentee: Rong C. Fang Attorney Docket No. 026473.106-US01
Appl. or Patent No.: 09/935,781-9032
Filed or Issued: August 24, 2001
For: APPARATUS, SYSTEM, AND METHOD FOR FACILITATING DATA PACKET TRANSPORTATION

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Ocular Networks, Inc.
ADDRESS OF SMALL BUSINESS CONCERN 11109 Sunset Hills Road, Reston, Virginia 20190

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.3-18, and reproduced in 37 C.F.R. § 1.9 (d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. §§1.9(e).

Each person, concern or organization (other than the small business concern identified above) having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
☐ each person, concern, or organization is listed below.

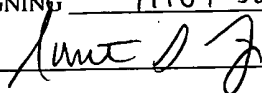
NAME _____

ADDRESS _____
() INDIVIDUAL () SMALL BUSINESS CONCERN () NONPROFIT ORGANIZATION

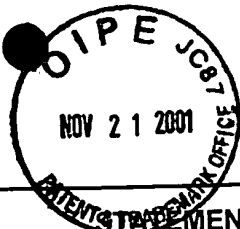
Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §§ 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Robert S. Furr
TITLE IN ORGANIZATION VP Finance & Administration
ADDRESS OF PERSON SIGNING 11109 Sunset Hills Rd., Reston, Va. 20170
SIGNATURE  DATE 11/15/01

#4



STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Rong C. Fang

Application No./Patent No.: 09/935,781 Filed/Issue Date: August 24, 2001

Entitled: APPARATUS, SYSTEM, AND METHOD FOR FACILITATING DATA PACKET TRANSPORTATION

Ocular Networks, a Corporation
(Name of Assignee) Type of Assignee, e.g., corporation, partnership, university, government agency, etc.

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

11/15/01
Date

Robert S. Furr
Typed or printed name
[Signature]
Signature
V.P. Finance and Administration
Title

ASSIGNMENT BY INVENTOR

THIS ASSIGNMENT, made by Rong C. Fang (hereinafter referred to as Assignor), residing at 12759 Oak Farms Drive, Oak Hill, Virginia 20171;

WHEREAS, Assignor has invented certain new and useful improvements in APPARATUS, SYSTEM, AND METHOD FOR FACILITATING DATA PACKET TRANSPORTATION, set forth in a Patent application for Letters Patent of the United States, already filed on August 24, 2001 as U.S. application No. 09/935,781-9032; and

WHEREAS, Ocular Networks, Inc., a Corporation, its principal place of business at 11109 Sunset Hills Road, Reston, Virginia 20190 (hereinafter referred to as Assignee), is desirous of acquiring the entire right, title and interest in and to said inventions and said Application for Letters Patent of the United States, and in and to any Letters Patent of the United States to be obtained therefore and thereon.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, Assignor has sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over, unto Assignee, his or her successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions and application for Letters Patent, and in and to any and all direct and indirect divisions, continuations and continuations-in-part of said application, and any and all Letters Patent in the United States and all foreign countries which may be granted therefore and thereon, and reissues, reexaminations and extensions of said Letters Patent, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by Assignee, for his or her own use and benefit and the use and benefit of his or her successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent may be granted and/or extended, as fully and entirely as the same would have been held and enjoyed by Assignor, had this sale and assignment not been made.

AND for the same consideration, Assignor hereby represents and warrants to Assignee, his or her successors, legal representatives and assigns, that, at the time of execution

and delivery of these presents, except for any rights, titles and/or interests that have arisen to Assignee under law or that have already been transferred to Assignee, Assignor is the sole and lawful owners of the entire right, title and interest in and to the said inventions and application for Letters Patent above-mentioned, and that the same are unencumbered and that Assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, Assignor hereby covenants and agrees to and with Assignee, his or her successors, legal representatives and assigns, that Assignor will sign all papers and documents, take all lawful oaths and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of any Letters Patent and applications for Letters Patent for said inventions, without charge to Assignee, his or her successors, legal representatives and assigns, whenever counsel of Assignee, or counsel of his or her successors, legal representatives and assigns, shall advise: that any proceeding in connection with said inventions, or said Patent application for Letters Patent, or any proceeding in connection with any Letters Patent or applications for Letters Patent for said inventions in any country, including but not limited to interference proceedings, is lawful and desirable; or, that any division, continuation or continuation-in-part of any application for Letters Patent, or any reissue, reexamination or extension of any Letters Patent, to be obtained thereon, is lawful and desirable.

AND Assignor hereby requests the Commissioner of Patent and Trademarks to issue said Letters Patent of the United States to Assignee, as Assignee of said inventions and the Letters Patent to be issued thereon, for the sole use and benefit of Assignee, his or her successors, legal representatives and assigns.

AND Assignor hereby grants the following individuals the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document:

COVINGTON & BURLING

Paul J. Berman	36,744	Ann O. McGeehan	45,839	Christopher N. Sipes	39,837
Kurt Geoffrey Calia	38,702	Jeannie M. Perron	31,180	Lee J. Tiedrich	42,184
Richard P. Dulik	40,598	C. Edward Polk	45,830	Henry P. Ting	46,278
Thomas W. Krause	40,335	Andrea G. Reister	36,253	Grady L. White	40,874
Scott B. Markow	46,899	David P. Ruschke	40,151	Anthony S. Yoo	45,540

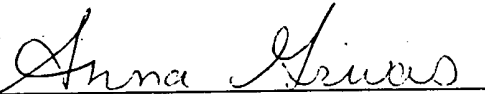
AND Assignor acknowledges an obligation of assignment of this invention to
Assignee at the time the invention was made.


Rong C. Fang

Date: November 15, 2001

United States of America)
State of Virginia) ss.:
County of Fairfax)

On this 15 day of November, 2001, before me
personally came Rong C. Fang, to me known to be the individual
described in and who executed the foregoing instrument, and acknowledged execution
of the same.


Notary Public

My commission expires 11/30/05